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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/706,516

Filing Date

November 12, 2003

First Named Inventor

William John Gallagher

Art Unit

2122

Examiner Name

Attorney Docket Number

BEAS-01316US2

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

3) Cited Documents
Post card

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Flesler Meyer LLP

Signature

Printed name

Paul A. Durdik

Date

APR 18, 2006

Reg. No.

67,819

CERTIFICATE OF TRANSMISSION/MAILING

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Teri Muir

Date

4-18-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): William John Gallagher
Appl. No.: 10/706,516
Confirm. No.: 7688
Filed: November 12, 2003
Title: DYNAMIC CODE GENERATION SYSTEM

PATENT APPLICATION

Art Unit: 2122
Examiner:

Customer No. 23910

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Teri Muir (Signature)
Teri Muir
Signature Date: 4-18-06

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ As allowed under 37 C.F.R. § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.
- ☐ As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No. ____/____, which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).
- ☐ ***PTA Statement under 37 C.F.R. §1.704(d).*** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

Copy of International Search Report attached for review.

This statement should be considered because:

☒ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

☐ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.
-- AND (*check at least one of the following*) --
- ☐ (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

☐ **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

☐ **37 C.F.R. §1.97(e)(1).** THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this *Information Disclosure Statement* was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this *Information Disclosure Statement*; or

☐ **37 C.F.R. §1.97(e)(2).** THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this *Information Disclosure Statement* was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

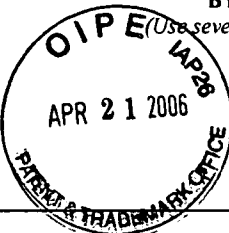
Respectfully submitted,
FLIESLER MEYER LLP

Date: APR 18, 2006

By: 

Paul A. Durdik
Reg. No. 37,819

Customer No. 23910
FLIESLER MEYER LLP
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Telephone (415) 362-3800

Form PTO-1449 (Substitute) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <div style="text-align: center;"> Information Disclosure Statement BY APPLICANT <i>(Use several sheets if necessary)</i> </div> <div style="text-align: center;">  </div>		Attorney Docket Number BEAS-01316US2	Serial/Patent Number 10/706,516
<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Applicant/Patent Owner William John Gallagher </div>		<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Filing/Issue Date November 12, 2003 </div>	
<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> Group Art Unit 2122 </div>			

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
/PN/		5,999,988	12/7/99	Pelegri-Llopart et al.			
/PN/		6,085,198	7/4/00	Skinner et al.			
/PN/		6,523,171	2/18/03	Dupuy et al.			

U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Trans- lation Yes No

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)	
/PN/	Ian Welch and robert Stroud, "From Dalang to Kava- the Evolution of a Reflective Java Extension" 09/99, reflection "99, LNCS 116, pp. 2-21
/PN/	Ian Welch and Robert Stroud, "Using MetaObject Protocols to Adapt Third-Party components" 03/1998, 1-22
/PN/	Ian Welch and Robert Stroud, "A reflective Java Class Loader "ECOOP'98 Workshop reader, LNCS, pp. 374-375. 1998.

Examiner /Phillip Nguyen/	Date Considered 03/09/2009
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***EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

*1 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20____, relied on under 35 USC §120.
 *2 = Copy not submitted because it was submitted in prior application SN _/_____, filed _____, 20____, relied on under 35 USC §120.